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Patent

Attorney's Docket No. 017753-152

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Inventor Patent Application of)

Christian DEVAUX *et al.*)

Application No.: 09/648,557)

Filed: August 25, 2000)

For: INHIBITORS OF HIV)

REPLICATION AND METHOD OF)

TREATMENT OF HIV INFECTIONS)

Group Art Unit: 1648

Examiner: Jeffrey Parkin

Confirmation No.: 5736

REPLY TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In complete response to the Requirement for Restriction issued June 13, 2002, Applicants hereby elect, albeit with traverse, Group I, Claims 1-10 and 18, drawn to a peptide or pharmaceutical composition comprising the peptide.

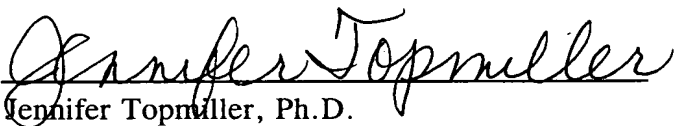
According to M.P.E.P. § 803, a restriction requirement between patentably distinct inventions is proper only when there is a serious burden on the examiner to examine all the claims in a single application; this is true even when appropriate reasons exist for restriction requirement. Applicants respectfully submit that the searches required to completely examine the claims would substantially overlap and therefore would be coextensive. In particular, Applicants draw attention to the fact that the limitations of the claims of Group I, drawn to a peptide or pharmaceutical composition comprising the peptide, are also limitations of the Claims of Group IV, which is drawn to a method of treating HIV using the peptide or a pharmaceutical composition comprising that peptide.

This is also true of Groups II and III, as they also require the same peptide or composition of Group I. Therefore a search of Group I, necessarily overlaps that over Groups IV, III, and II. By searching/examining the claims of Group I, the examiner is necessarily performing a search/examination that encompasses substantial limitations of the other groups. Accordingly, Applicants believe that it would not be an undue burden upon the Examiner to examine all groups of claims at the present time. Therefore, withdrawal of the restriction requirement, and further and favorable consideration of all the claims of record on the merits is respectfully requested. At the very least, Applicants urge that the Examiner rejoin the claims of Group I and IV.

In the event that there are any questions relating to this application, the Examiner is respectfully requested to telephone the undersigned so that prosecution of this application may be expedited.

Respectfully submitted,

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